

Appl. No. 10/780,484
Amdt. dated 4 Aug. 2005
Reply to Office action of: 4 Aug. 2005

Remarks

Rejection of the claims under 35 USC §102:

Claims 1-3, 7-8, and 19-20 have been rejected under 35 U.S.C. 102(b) as being anticipated by Heiliger et al. (US 5,453,461) ('461). Applicants respectfully disagree. '461 does not teach conjugation of a biologically active compound to a polymer via a labile bond. '461 provides no explicit or implicit teaching for bonding of A to P via a labile, reversible or cleavable linkage. The bonds described in '461 are stable bonds (column 9 line 60 to column 10 line 60) which, once formed, would not be cleaved without breaking bonds in the polymer or biologically active compound. In support of this statement, a declaration under 35 CFR 1.132 is provided. Applicants request reconsideration of this §102 rejection.

Claims 19-20 have been rejected under 35 U.S.C. 102(b) as being anticipated by Cook et al. (US 5,218,105) ('105). Applicants have amended claim 19 to obviate the rejection. Specifically, Applicants have amended claim 19 to cite an amphipathic membrane-active polyamine and attachment of the polymer to a biologically active compound via a labile bond. The polyamine described by '105 is not amphipathic and is not attached to the oligonucleotides via a labile bond.

Claims 1-8, 16 and 19-20 have been rejected under 35 U.S.C. 102(e or a) as being anticipated by Pinchuk et al. (US 2002/0107330) ('330). With respect to claims 1-8, Applicants respectfully disagree. There are no explicit or implicit teachings in '330 for attachment of a biologically active compound to a polymer via a labile bond or that the polymer be membrane active. Applicants request reconsideration of this §102 rejection.

Applicants have amended claim 19 to obviate the rejection. Specifically, Applicants have amended the claims to cite attachment of the biologically active compound to the polyamine via a labile bond. While '330 teaches that components of the polymer may be polyamides and glycosaminoglycans (see supporting documents for description of polyamides and glycosaminoglycans), '330 does not teach that the polymer may be a polyamine or that the polyamine be attached to the biologically active compound via a labile bond.

Claims 1, 7-8, 17-18 and 19 have been rejected under 35 U.S.C. 102(b) as being anticipated by Anderson et al. (US 5,169,933) ('933). Applicants respectfully disagree. '933 does not

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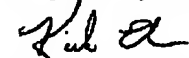
provide any explicit or implicit teaching of conjugation of a biologically active compound to a polymer via a labile bond. Applicants request reconsideration of this §102 rejection.

Double Patenting:

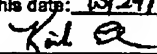
Claims 9-16 have been rejected under the judicially reacted doctrine on obviousness-type double patenting as being unpatentable over claims 9-10, 15-19, and 28-29 of copending Application No. 10/772,502. With this Response, Applicants have filed a terminal disclaimer to overcome the rejection.

The Examiner's objections and rejections are now believed to be overcome by this response to the Office Action. In view of Applicants' amendment and arguments, it is submitted that claims 1-20 should be allowable. Applicants respectfully request a timely Notice of Allowance be issued in the case.

Respectfully submitted,



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I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as express mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this date: 10/24/05

Kirk Ekena